



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE DEBBY BARRETT
HOUSE DISTRICT 72

HELENA ADDRESS:
CAPITOL BUILDING
PO BOX 200400
HELENA, MONTANA 59620-0400
PHONE: (406) 444-4800

HOME ADDRESS:
17600 HWY 324
DILLON, MT 59725
PHONE: (406) 681-3177

March 21, 2007

Governor Brian Schweitzer
Montana State Capitol Building
Helena, MT 59620

Dear Governor Schweitzer:

I am writing you today about a developing dichotomy in public policy among two of your Natural Resource Agencies that gravely concerns me.

Earlier this month, the Montana Department of Fish, Wildlife, and Parks made a bold move. As you probably know, they formally protested a BLM oil and gas lease sale. That action is akin to "appealing" a federal timber sale. In a recent article by *Bozeman Chronicle* staff writer Scott McMillion, FWP's oil and gas specialist T. O. Smith is quoted: "As far as we can tell, it's the first time we've ever filed a mineral rights protest . . . it might not be the last . . . If we need to, we'll file more protests."

Quite frankly, Governor, that seems like quite a cavalier attitude and a bit contradictory from the position espoused by DNRC on SB 293 just last Friday. On Friday in House Natural Resources Committee, SB 293 was heard. Speaking on behalf of DNRC, Bob Harrington discussed the merits of the bill which, in essence, authorized DNRC to engage on behalf of the state in federal forest management issues. While the bill does not say it directly, the implied objective is to get the USFS more proactive in forest management. This would not only improve forest health but provide a much needed boost to the wood products industry. Specifically, this bill authorizes the DNRC among other things to:

- Represent the state's interest in federal forest management planning process, including establishing cooperating agency status.
- Promote a viable forest and wood products industry and other businesses that rely on public forest lands.

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- Have the authority to intervene in litigation or appeals on federal forest management projects.
- Promote the development of an independent long-term sustained timber harvest yield on Montana's federal forests.

These are laudable goals, and I applaud the DNRC. But, I am confounded by the obstructionist approach recently taken by the FWP on a similar federal land management action dealing with oil and gas leases.

This protest by FWP came one year after the BLM completed their Resource Management Plan--a plan in which FWP had much input. A plan that FWP did not submit a letter of protest to during the 30-day protest period, and the very plan in which the Governor's Office did not identify any inconsistencies between the draft RMP/EIS and state or local plans, policies, and programs; nor were any inconsistencies noted following the 60-day Governor's Consistency Review of the proposed RMP/Final EIS.

So, why is it that within the same administration, one agency is requesting legislative authority to engage constructively with the federal government in encouraging more natural resource development and the sister agency has chosen to take the obstructionist's approach and "appeal" similar proposed actions?

It appears that FWP is going beyond legislative authority, especially in light of the fact that two pieces of legislation that would have allowed the agency the same extended authority at the state level of the permitting process failed in the 2005 Legislative Session. (HB 394 Clark and SB 281 Williams.)

This contradictory approach to engaging with the federal agencies begs the question as to whether the state should be involved at all in the federal land management issues. Minimally, we need a consistent state policy to guide these agencies that reflects your administration policy regarding natural resource development. Left to their own discretion, we're faced with a smorgasbord of individual resource policies and Montana will continue to flounder regarding responsible development of our abundant natural resources. And, quite frankly, no one knows for certain if Montana is open for business or not.

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I encourage you to rein in the FWP and endorse one clear, consistent policy for natural resource development in Montana.

Sincerely,

Debby Barrett
Representative, HD 72

cc: Beaverhead County Commissioners
Madison County Commissioners
Senate and House Natural Resource
Committee Members